APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,447	10/29/2001	Derek E. Poppink	20412-06420	4076

758   7590   12/11/2006

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EXAMINER
KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
2163	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/046,447	POPPINK ET AL.
	Examiner	Art Unit	
	Alford W. Kindred	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 September 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10,12-66 and 68-131</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10, 12-66, and 68-131</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>7/13/04</u>

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed on 9/25/06.

This action is made final.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-10, 12-66, and 68-131 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Grefenstette et al., US# 2003/0069877 A1, in view of Chidlovskii et

al., US# 6,327,590 B1.

As per claims 1, 18, 44, and 46-47 Grefenstette et al. teaches "extracting at least

one query key . . ." (see page 33, paragraphs [0483]-[0484]) "at least one query result

from at least one data source" (see page 13, paragraphs [0238]-[0241]) "evaluating the

received at least one query result; and displaying at least one received query result"

(see page 13, paragraph [0237]-[0238]) "wherein extracting, querying, receiving . . ."

(see page 6, paragraph [0151]-[0154]). Grefenstette et al. does not explicitly tech

"responsive to a connection with at least one data source being available per-fetching at

least one query . . . asynchronously with respect to user interaction with the primary

document . . . without regard to whether a connection with a data source is available."

Chidlovskii et al. teaches "responsive to a connection with at least one data source

being available per-fetching at least one query . . . asynchronously with respect to user interaction with the primary document . . . without regard to whether a connection with a data source is available" (see col. 7, lines 56-64 and col. 9, lines 22-34). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Grefenstette and Chidlovskii, because using the steps of "responsive to a connection with at least one data source being available per-fetching at least one query . . . asynchronously with respect to user interaction with the primary document . . . without regard to whether a connection with a data source is available" would have giving those skilled in the art the tools to receive data from a data source whether the system is on or off-line. This gives users the advantage of retrieving data results from sources when they are unavailable.

As per claims 2, 4, and 26 Grefenstette et al. teaches "receiving the primary document . . . displaying at least . . ." (see page 27, paragraphs [0405]-[406] and page 28, paragraph [0417]).

As per claim 3, Grefenstette et al. teaches "accessing the primary document . . ." (see page 13, paragraphs [0232]-[0234]).

As per claims 5, 7, 9, and 18 Grefenstette et al. teaches "an electronic communication" (see page 6, paragraphs [0151]-[0152]).

As per claims 6, 8, and 10 Grefenstette et al. teaches "an e-mail message" (see page 9, paragraphs [0192]).

As per claims 16-17, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

As per claim 12, Grefenstette et al. teaches "storing the evaluated at least one query result" (see page 14, paragraph [0250] and [0255]) "displaying the retrieved at least one query result" (see page 41, paragraphs [0571]-[0572]).

As per claim 13, this claim is rejected on grounds corresponding to the arguments given above for rejected claims 1 and 12 and is similarly rejected including the following:

-- Grefenstette et al. "displaying a preview of at least one query result . . .receiving a selection of one of the previewed items . . ." (see page 41, paragraph [0571]).

As per claims 14-15, Grefenstette et al. " teaches "retrieving the item from a cache" (see page 41, paragraphs [0578]-[0579]).

As per claims 19 and 22, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 5-6 and are similarly rejected.

As per claim 20, this claim is rejected on grounds corresponding to the arguments given above for rejected claims 5-6 and is similarly rejected including the following:

-- Grefenstette et al. teaches "transmitting across a firewall" (see page 2, paragraph [0014] and page 1, paragraph [0013]).

As per claims 21 and 23, these claims are rejected on grounds corresponding to the arguments given above for rejected claim19 and are similarly rejected claim 5-6 and is similarly rejected including the following:

--Grefenstette et al. teaches "XML-encoded . . ." (see page 5, paragraph

[0144]).

As per claim 24, this claim is rejected on grounds corresponding to the

arguments given above for rejected claim 1 and is similarly rejected including the

following:

· -- Grefenstette et al. teaches "at least one information appliance" (see page 5,

page [0144] i.e. "standards").

As per claim 25, Grefenstette et al. teaches "a visitor kiosk; a meeting recorder; a

presentation recorder . . . a document management device" (see fig. 55—sheet 55 of

69, i.e. interface).

As per claim 27, Grefenstette et al. teaches "whether the query result has

previously been displayed" (see page 28, paragraphs [0418]-[0419] and page 29,

paragraph [0435]).

As per claims 28-29 and 37-38, these claims are rejected on grounds

corresponding to the arguments given above for rejected claim 2 and is similarly

rejected including the following:

-- Grefenstette et al. teaches "displaying at least one received query result . .

.determination indicating that the query result is sufficiently relevant" (see page 17,

paragraphs [0282]-[0283]).

As per claims 30-31, these claims are rejected on grounds corresponding to the

arguments given above for rejected claim 1 and are similarly rejected including the

following:

-- Grefenstette et al. teaches "querying at least one data source with at least one

secondary query key . . ." (see page 33, paragraphs [0483]-[0485]).

As per claim 32, Grefenstette et al. teaches "displaying at least one received

query . . . currently active software application" (see page 12, paragraphs [0220]-

[0222]).

As per claims 33-35 and 55, these claims are rejected on grounds corresponding

to the arguments given above for rejected claim 1 and is similarly rejected.

--Grefenstette et al. teaches "displaying the query result in a sidebar plane

adjacent to a currently active on-screen window" (see page 12, paragraphs [0219]-

[2220]).

As per claims 36 and 56, Grefenstette et al. teaches "query result comprises a

hyperlink to a resource . . ." (see pages 12-13, paragraph [0230]).

As per claim 39, Grefenstette et al. teaches "query results is performed

responsive to the context of the query key in the primary document" (see page 13,

paragraphs [0238]-[0240]).

As per claims 40, 42, and 48, Grefenstette et al. teaches "a network-connected

computer containing shared information" (see page 1, paragraph [0007]).

As per claim 41, Grefenstette et al. teaches "a shared directory" (see page 2,

paragraphs [0014]).

As per claim 43, Grefenstette et al. teaches "an electronic communication; word

processing documents, spreadsheet document . . . a file; an image . . ." (see page 8,

paragraphs [0180]-[0181]).

As per claim 45, Grefenstette et al. teaches "a part-of-speech analysis to the primary document" (see page 6, paragraphs [0157]-[0158]).

As per claim 49, Grefenstette et al. teaches "a portable computing device" (see fig. 2—sheet 2 of 69, i.e. 219).

As per claims 50 and 52, Grefenstette et al. teaches "a text document" (see page 4, paragraph [0125]).

As per claims 51 and 53, Grefenstette et al. teaches "a non-text document" (see page 4, paragraphs [0119]-[0125]).

As per claim 54, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

-- Grefenstette et al. teaches "displaying the query result in a calendar display" (see page 6, paragraph [0162] and page 35, paragraphs [0505]-[0506]).

As per claims 57-58 and 60, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 33-35 and are similarly rejected.

As per claims 59 and 61, Grefenstette et al. teaches "displaying a menu . . . user selection of the at least one command, displaying a query result" (see page 37, paragraphs [0522]).

As per claims 62—66 and 68-98, these claims are rejected on grounds corresponding the arguments given above for rejected claims 1 and 8-61 and are similarly rejected.

As per claim 100-131, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-10, 12-66, and 68-98 and are similarly rejected.

Response to Arguments

4.   Applicant's arguments filed 9/25/06 have been fully considered but they are not persuasive.

--As per applicant's arguments regarding "Chidlovskii fails to teach . . . operates in response to user action and therefore cannot be considered to performing extracting, querying, receiving and evaluating asynchronously with respect to user interaction . . . no mention anywhere in Chidlovskii of displaying query results without regard to whether a connection with a data source is available . . .", examiner maintains that Chidlovskii's teachings of pre and post processing in response to a query, as well as, Childovskii's off-line processing element, reads on applicant claim language regarding the retrieving of data when a particular source is unavailable.

--As per applicant's arguments regarding "there is no hint or suggestion of any technique that operates asynchronously with respect to user interaction . . .", examiner disagrees and maintains that Chidlovskii's teachings of involving the ranking element regarding user queries, combined with the re-ranking elements reads on applicant's claim language regarding Chidlovskii's asynchronous operation.

--As per applicant's arguments regarding "the mere mention that queries can be executed 'off-line' or that queries are 'persistent' does not constitute a teaching of the

asynchronously . . . receiving and evaluating . . .", examiner disagrees and maintains

that Chidlovskii's "off-line" element combined with the search and retrieval teachings,

reads on applicant claim language with respect to off-line retrieval of pre-fetch results.

--As per applicant's arguments regarding "specifically recites that extracting,

querying, receiving, and evaluating are performed . . . neither of the cited references

teaches or discloses . . .", examiner disagrees and maintains that Chidlovskii's returning

of results based on queries (ranking and re-ranking and profile information) reads on

applicant's claim language.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

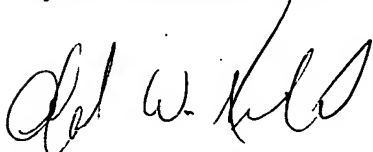policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alford W. Kindred whose telephone number is 571-272-

4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner
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